

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GREATER ST. LOUIS CONSTRUCTION)	
LABORERS WELFARE FUND, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:14CV1650 RLW
)	
A & W CONSTRUCTION COMPANY, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs’ Motion for Attorneys’ Fees (ECF No. 28). Plaintiffs filed this action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. § 185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974(“ERISA”), as amended, 29 U.S.C. § 1132. Defendant has not filed a response to Plaintiffs’ Motion for Attorneys’ Fees, and the time for doing so has expired. Upon review of the motion and accompanying memorandum and affidavit, the Court will grant the motion.

Plaintiffs filed a Complaint against Defendant A & W Construction Company, Inc. (“A & W”) on September 23, 2014. Defendant did not file an answer or otherwise enter an appearance. On April 27, 2015, this Court granted Plaintiffs’ Motion for Default Order to Compel an Accounting and ordered Defendant to provide documents, records, and ledgers pertaining to hours worked by and wages paid to Defendant employees from July 1, 2012 to present. (ECF No. 12) Defendant did not comply with the Court’s Order, and on August 7, 2015, Plaintiffs filed a Motion for Contempt. (ECF No. 16) After the Court twice ordered Defendant to respond, the Court held a contempt hearing on February 9, 2016. Representatives of A & W appeared at

the hearing and provided the requested documents. Plaintiffs subsequently withdrew their Motion for Contempt. (ECF No. 23) On February 25, 2016, Plaintiffs filed the instant Motion for Attorneys' Fees.

Plaintiffs seek judgment in the amount of \$2,537.50 for attorneys' fees related to procuring Defendant's compliance with this Court's order compelling an accounting, the Motion for Contempt, and the contempt hearing. Counsel for Plaintiffs has submitted an affidavit setting forth the services and hours performed, along with the hourly billing rate for attorney, law clerk, paralegal, and legal assistant services. (Aff. of Nathan K. Gilbert, ECF No. 28-1) In his affidavit, counsel states that his firm's standard hourly billing rates in 2015 were \$185.00 for partners, \$175.00 for associates, \$95.00 for law clerks, and \$95.00 for paralegals and legal assistant services. (*Id.* at ¶ 16) In 2016, those rates increased to \$190.00 for partners, \$180.00 for associates, and \$100.00 for paralegals and legal assistants. (*Id.*) Counsel states that he performed 2.5 hours of services while working as a law clerk in 2015, 2.8 hours as an associate in 2015, and 5.6 hours as an associate in 2016. Further, the affidavit reflects partner services of 0.1 hours in 2015 and 0.3 hours of services in 2016. Two additional associates performed 3.3 total hours of services in 2015. The firm provided 0.2 hours of legal assistant services in 2015 and paralegal services for 1.3 hours in 2016.

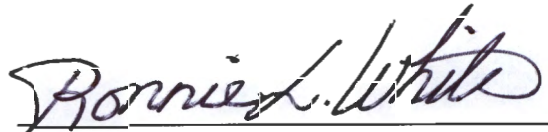
Courts in this district "have ordered a defendant to reimburse the plaintiffs for attorneys' fees incurred in attempting to compel compliance with a Court order." *Greater St. Louis Const. Laborers Welfare Fund v. AURA Contracting, LLC*, No. 4:11CV01563 AGF, 2012 WL 2684864, at *2 (E.D. Mo. July 6, 2012) (citations omitted); *see also Greater St. Louis Const. Laborers Welfare Fund v. Town & Country Masonry and Tuckpointing, LLC*, No. 4:13-CV-696-JAR, 2013 WL 5436645, at *1 (E.D. Mo. Sept. 27, 2013). Here, the Court finds an award of

attorneys' fees is appropriate in light of Defendant's failure to comply with several court orders pertaining to the order compelling an accounting and the motion for contempt.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Attorneys' Fees (ECF No. 28) is **GRANTED** and attorneys' fees are awarded in the amount of Two Thousand Five Hundred Thirty-Seven Dollars and Fifty Cents (\$2,537.50).

Dated this 31st day of March, 2016.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE